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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JAMES and SHAYLEE MEDICRAFT,
10 husband and wife and the marital community
11 thereof, themselves and on behalf of their
12 minor children: JM, AM, EM, MM and NM,

13 Plaintiffs,

14 v.
15 THE STATE OF WASHINGTON, et al.,
16 Defendants.

NO. 2:21-cv-01263-KKE

STIPULATED MOTION AND ORDER
AMENDING ORDER APPROVING PHOENIX
SETTLEMENT

17 I. STIPULATION

18 The parties, by and through their respective attorneys of record, request the Court amend
19 its Order Approving Phoenix Settlement, ECF No. 431.

20 II. FACTS

21 On July 16, 2024, the parties submitted a Joint Motion to Approve Partial Settlement, Ratify,
22 and Adopt Conditions in Settlement Guardian ad Litem's Report, ECF No. 380 along with a
23 Proposed Order, ECF No. 380-1. The Court reviewed the motion, the report of the Settlement
24 Guardian ad Litem, ECF No. 358, and independently reviewed the proposed settlement, and the
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written settlement agreement between Plaintiffs and Phoenix, which was submitted for in camera review. The Court also held two hearings on this matter with counsel for the parties and the Settlement Guardian ad Litem. On September 6, 2024, the Court granted the Joint Motion to Approve Partial Settlement, Ratify, and Adopt Conditions in Settlement Guardian ad Litem's Report with conditions including, a revised SGAL report to account for the reduction of attorneys' fees and correcting minor arithmetical errors, ECF No. 431. On September 6, 2024, appointed settlement guardian ad litem, Andrew Lee Benjamin filed a Revised Report of Guardian ad Litem, ECF No. 432.

Ringler Associates, Inc., the settlement planning company that purchased the children's annuities from Met Life on October 1, 2024, that requires specific language in and/or attached to the order that was not previously included in ECF No. 431. Attached as Exhibit 1 is Ringler's Settlement Advisor Julie Robinson's explanation for why the special language is needed. Attached as Exhibit 2 is "Exhibit A" that Ringer requires be included in the order.

Due to the rates of return, the sums outlined in ECF No. 432 differ slightly to Ringler's Exhibit A, which provides more money to each of the three settling children. Attached as Exhibit 3 is Mr. Benjamin's letter approving the greater distributions to the three settling children that is outlined in Exhibit A.

Under these circumstances, the parties jointly request the Court approve this stipulation by entering the parties' agreed Amended Order Approving SGAL Report concurrently submitted to the Court with this Stipulation.

Dated this 17th day of January 2025.

Western Washington Law Group, PLLC By: <u>s/ Dennis McGlothin</u> Dennis McGlothin, WSBA No. 28177 10485 NE 6 th St., #1820	Fain Anderson VanDerhoef Rosendahl O'Halloran Spillane, PLLC By: <u>s/ Jesse C. Williams</u> Jesse C. Williams, WSBA No. 35543 Eron Z. Cannon, WSBA No. 42706
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<p>1 Bellevue, WA 98004 2 T: (425) 728-7296 3 Email: docs@westwalaw.com 4 Nathan J. Arnold, WSBA No. 45356 5 Lesley Alvarado, WSBA No. 61465 6 720 Seneca St., Ste 107, No. 393 7 Seattle, WA 98020 8 T: (206) 799-4221 9 Email: nathan@ajalawyers.com; 10 Lesley@ajalawyers.com 11 Attorneys for Plaintiffs</p>	<p>3131 Elliott Avenue, Suite 300 4 Seattle, WA 98121 5 T: (206) 957-2039 6 Email: eron@favros.com; 7 jesse@favros.com 8 Attorneys for Defendant Phoenix Protective 9 Corp.</p>
<p>10 Davis Rothwell Earle & Xochihua, P.C. 11 12 By: <i>s/ Matthew R. Wiese</i> 13 Matthew R. Wiese, <i>pro hac vice</i>, OSBA #070740 14 Nicole M. Rhoades, WSBA #33958 15 200 SW Market St. Ste 1800 16 Portland, OR 97201 17 Email: mwiese@davisrothwell.com nrroades@davisrothwell.com 18 Attorney for Defendant Lufti al Marfadi</p>	<p>19 Office of the Attorney General – Torts Division 20 21 By: <i>s/ Peter E. Kay</i> 22 Peter E. Kay, WSBA No. 24331 23 7141 Cleanwater Dr. SW 24 P.O. Box 40126 25 Olympia, WA 98504 T: (360) 586-6655 Email: Peter.Kay@atg.wa.gov Attorney for Defendant State of Washington</p>
<p>26 Paine Hamblen, P.S. 27 28 By: <i>s/ Jeremy M. Zener</i> 29 Jeremy M. Zener, WSBA No. 41957 30 717 West Sprague Ave., Suite 1200 31 Spokane, WA 99201 32 Email: Jeremy.zener@painehamblen.com 33 SAAG Attorneys – Tender Counsel for State</p>	<p>34 Benjamin Law Group, PLLC 35 36 By: <i>s/ Andrew L. Benjamin</i> 37 Andrew L. Benjamin, WSBA No. 15223 38 4616 25th Ave. NE, #311 39 Seattle, WA 98105 40 T: (206) 622-8953 41 Email: abenjamin@benlaw.com 42 Settlement Guardian ad Litem</p>

ORDER

The Court GRANTS the parties' stipulated motion (Dkt. No. 496). The Court will enter the parties' agreed amended order approving SGAL report.

Dated this 17th day of January, 2025.

Kimberly A. Hanson

Kymberly K. Evanson
United States District Judge